

## SheppardMullin

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July 29, 2020

### VIA ECF

Hon. P. Kevin Castel  
United States District Court  
Southern District of New York  
Courtroom 11D  
500 Pearl Street  
New York, New York 10007

Bradley M. Rank  
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File Number: 70LD-306386

Re: Tippett et al. v. Grocery Delivery E-Services USA Inc. d/b/a HelloFresh, Case No. 1:20-cv-05271-PKC  
JOINT MOTION TO STAY PROCEEDINGS PENDING MEDIATION

Dear Judge Castel:

In accordance with Your Honor's Individual Practices, counsel for defendant Grocery Delivery E-Services USA Inc. d/b/a HelloFresh ("HelloFresh") and counsel for Plaintiffs Jeanne Tippett and Stephen Bauer (collectively, "Plaintiffs") jointly request a stay of this matter pending mediation. HelloFresh's response to Plaintiffs' complaint is currently due on September 11, 2020, and an initial pretrial conference is currently scheduled for September 8, 2020 before Your Honor.

In particular, in an effort to resolve this and two other pending putative class actions for alleged violation of the Telephone Consumer Protection Act ("TCPA") brought against HelloFresh, Plaintiffs and HelloFresh have agreed to mediate their disputes before the Hon. George H. King (Ret.) at JAMS on October 7, 2020. The parties have agreed to stay this litigation in order to allow the parties to mediate their dispute and avoid unnecessary expense or distractions pending mediation.

Accordingly, the parties have stipulated, and respectfully request that Your Honor enter an Order, as follows:

1. All proceedings, including but not limited to HelloFresh's deadline to respond to the complaint and all other deadlines, be stayed until October 9, 2020.
2. If the parties are unable to resolve this action at mediation, the parties request that HelloFresh's deadline to respond to the complaint shall be November 13, 2020.
3. The initial pretrial conference shall be adjourned to November 20, 2020 or a subsequent date that is convenient for the Court.
4. This joint letter motion shall not affect HelloFresh's right to make any motions in response to the complaint, including but not limited to a motion to compel arbitration.

*Hello Fresh's  
time to answer a move  
is extended to November 13, 2020  
September 8 conference  
is adjourned to  
Dec. 2, 2020 at 11:30 a.m.  
Action is stayed until October 9.  
SO ORDERED  
USDJ  
7-29-20*

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We appreciate Your Honor's consideration of this request, and thank the Court for its time and attention to this matter.

Respectfully submitted,

*/s/ Bradley M. Rank*

Bradley M. Rank  
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:4827-0039-8021.1

cc: All Counsel of record (via ECF)